
By: **Delegates Kelley, Vallario, Ramirez, and Sophocleus**
Introduced and read first time: February 12, 2004
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 2004

CHAPTER _____

1 AN ACT concerning

2 **Drunk and Drugged Driving - Administrative Per Se Offenses - Hearings**

3 FOR the purpose of providing that a person who requests a hearing for a certain
4 alcohol- or drug-related administrative per se offense may elect in writing that
5 another hearing on certain license sanctions arising out of the same
6 circumstances proposed by the Motor Vehicle Administration be consolidated
7 with the hearing on the administrative per se offense under certain
8 circumstances; providing that a certain hearing may not be postponed due to a
9 consolidation of the hearing with another hearing; requiring the Administration
10 to consolidate certain administrative hearings under certain circumstances; and
11 generally relating to consolidation of certain administrative hearings by the
12 Administration.

13 BY adding to
14 Article - Transportation
15 Section 12-203.1 and 16-205.1(o)
16 Annotated Code of Maryland
17 (2002 Replacement Volume and 2003 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article - Transportation
20 Section 16-205.1(b)(3) and (f)(1)
21 Annotated Code of Maryland
22 (2002 Replacement Volume and 2003 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Transportation**

2 12-203.1.

3 NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE
4 ADMINISTRATION SHALL CONSOLIDATE HEARINGS IN ACCORDANCE WITH §
5 16-205.1(O) OF THIS ARTICLE.

6 16-205.1.

7 (b) (3) If the person refuses to take the test or takes a test which results in
8 an alcohol concentration of 0.08 or more at the time of testing, the police officer shall:

9 (i) Confiscate the person's driver's license issued by this State;

10 (ii) Acting on behalf of the Administration, personally serve an
11 order of suspension on the person;

12 (iii) Issue a temporary license to drive;

13 (iv) Inform the person that the temporary license allows the person
14 to continue driving for 45 days if the person is licensed under this title;

15 (v) Inform the person that:

16 1. The person has a right to request, at that time or within
17 10 days, a hearing to show cause why the driver's license should not be suspended
18 concerning the refusal to take the test or for test results indicating an alcohol
19 concentration of 0.08 or more at the time of testing, and the hearing will be scheduled
20 within 45 days; and

21 2. If a hearing request is not made at that time or within 10
22 days, but within 30 days the person requests a hearing, a hearing to show cause why
23 the driver's license should not be suspended concerning the refusal to take the test or
24 for test results indicating an alcohol concentration of 0.08 or more at the time of
25 testing will be scheduled, but a request made after 10 days does not extend a
26 temporary license issued by the police officer that allows the person to continue
27 driving for 45 days;

28 (vi) Advise the person of the administrative sanctions that shall be
29 imposed in the event of failure to request a hearing, failure to attend a requested
30 hearing, or upon an adverse finding by the hearing officer; and

31 (vii) Within 72 hours after the issuance of the order of suspension,
32 send any confiscated driver's license, copy of the suspension order, and a sworn
33 statement to the Administration, that states:

34 1. The officer had reasonable grounds to believe that the
35 person had been driving or attempting to drive a motor vehicle on a highway or on
36 any private property that is used by the public in general in this State while under

1 (3) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, THE
2 ADMINISTRATION SHALL CONSOLIDATE THE HEARINGS DESCRIBED IN THIS
3 SUBSECTION.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2004.